IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5944 of 1996
With
SPECIAL CIVIL APPLICATION No. 5945 of 1996
With
SPECIAL CIVIL APPLICATION No. 6293 of 1996
With
SPECIAL CIVIL APPLICATION No. 10185 of 1996
With
SPECIAL CIVIL APPLICATION No. 1685 of 1997
With
SPECIAL CIVIL APPLICATION No. 2539 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ALKA R DESHMUKH - Petitioner(s)
Versus
DIRECTOR,MEDICAL SERVICES,ESI & 1 - Respondent(s)

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Appearance :
MR PK PANCHOLI for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,
Ms. Archana Raval, AGP for Respondent State.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 10/10/2006

ORAL COMMON JUDGMENT

As common question of law and facts arise in all these petitions, they are being disposed of by this common order.

2. By way of these petitions under Article 226 of the Constitution of India, the respective petitioner has prayed for an appropriate writ, order or direction and for setting aside the Government Resolution dated 23rd July 1993 and for a declaration that they are entitled for House Rent Allowance as per the Government Resolution dated 20th October 1977.

3. Shri PK Pancholi, learned advocate appearing for the respective petitioners, has relied upon the Judgment of the learned Single Judge of this Court in the case of ***Employees State Insurance Scheme and Others Vs. Smt. Hasumati Devendra Makwana,*** reported in ***1993 (1) G.L.R. Page 862*** and submitted that to nullify the verdict of this Court the State Government has

come out with the present resolution which is not permissible. On the other hand, Ms. Archana Raval, learned AGP has submitted that in fact the impugned Resolution/Circular was already in force, however the same was not brought to the notice of this Court and as such all the issues which are raised in the present Special Civil Applications are already considered by the learned Single Judge of this Court in another decision rendered by the learned Single Judge of this Court [Coram: Ravi R. Tripathi, J.] vide judgment and order dated 8th March 2004 in Special Civil Application No. 9998 of 2001. It is further submitted by her that even thereafter another circular is issued by the department dated 3.12.2004. Shri Pancholi, learned advocate for the petitioners is not in a position to dispute that the controversy and/or the issues involved in the present petitions are already covered by the decision dated 8th March 2004 of the learned Single Judge of this Court in Special

Civil Application No. 9998 of 2001.

4. I have gone through the judgment and order dated 8th March 2004 passed by this Court [Coram: Mr. Ravi R. Tripathi, J.] and this Court is in complete agreement with the reasoning of the learned Single Judge while dismissing the aforesaid Special Civil Application No. 9998 of 2001. Even otherwise, nothing has been pointed out to this Court by the learned advocate appearing for the petitioners to take a contrary view than the one taken by the learned Single Judge in Special Civil Application No.9998 of 2001. Under the circumstances and for the reasons stated in the judgment and order of this Court dated 8th March 2004 all these petitions are dismissed. Rule is discharged in each petition. Ad-interim relief granted earlier stands vacated

forthwith. However, there shall be no order as

to costs.

Rmr. [M.R. Shah, J.]